
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 384

**The Family Law (Scotland) Act 2006
(Consequential Modifications) Order 2006**

The Family Law (Scotland) Act 1985

8. In section 12A of the Family Law (Scotland) Act 1985⁽¹⁾ (orders for payment of capital sum: pensions lump sums)–

(a) after subsection (7) insert–

“(7ZA) Subsection (7ZB) applies where a right under an occupational pension scheme to payment of a lump sum in respect of death would, but for the provisions of Chapter 3 of Part 2 of the Pensions Act 2004 (c. 35), arise during an assessment period (within the meaning of section 132 of that Act).

(7ZB) An order under subsection (3) shall not take effect until the assessment period comes to an end for a reason other than the giving of a transfer notice under section 160 of that Act.

(7ZC) Notwithstanding the provisions of section 8(4A), for the purpose only of giving effect to subsection (7), the court may deal with an order under subsection (2) so that it–

- (a) is addressed to the Board of the Pension Protection Fund instead of the person responsible for a pension arrangement; and
- (b) takes effect in respect of an entitlement to compensation payable under Chapter 3 of Part 2 of the Pensions Act 2004 or the Northern Ireland provision, instead of rights in relation to any lump sum referred to in subsection (1) which is payable to the liable party.”⁽²⁾; and

(b) in subsection (11), for “(7A)” substitute “(7ZC)”.

⁽¹⁾ 1985 c. 37. Section 12A was inserted by section 167(3) of the Pensions Act 1995 (c. 26).

⁽²⁾ Section 8(4A) of the Family Law (Scotland) Act 1985 (c. 37) was inserted by section 17(2) of the Family Law (Scotland) Act 2006 (asp 2).